

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1918 OF 2005

The Bank of Rajasthan Ltd. ... Petitioner

Vs.

Union of India and anr. ... Respondents

Ms. Rajani Iyer i/by Paras Kuhad and Associates for
Petitioner.

Mr. S.S. Pakale with Mr. R.C. Master for
Respondents.

**CORAM: F.I. REBELLO &
 ANOOP V. MOHTA, JJ.
DATED: SEPTEMBER 12, 2006**

P.C.:

. The Petitioner approached this court on the ground that the post of recovery Officer are vacant and as consequence, there is delay in recovery and secondly the question raised was that the Recovery Officers to be appointed should have qualification and legal exposure to be eligible to be appointed as Recovery Officer.

. After the petition was filed, on behalf of the respondents, we are informed that there are six posts of Recovery Officer in the three Debts Recovery Tribunals of Mumbai and as per records, as on 16.6.2006 only one post is vacant and that action is being taken to select suitable officer. The learned counsel for the respondents has also brought

to our attention the notification issued for filling in the post of R.O. The eligibility criteria have been laid down therein. In so far as rules which are in force, qualification for the post of Recovery Officer have not been included in the rules. However, even in the absence of any rules, it is open to the State to issue administrative instructions till such time as the appropriate rules are made or existing rules amended. In the instant case, the qualifications are set out in the advertisement pursuant to these administrative instructions and will be binding on the respondents in filling in the vacancies till such time as either the rules are amended or new instructions are issued. It is made clear that the respondent while laying down the eligibility criteria must take into consideration the fact that the recovery officers discharge quasi judicial functions. Considering the above, in our opinion, no further orders are required. Petition disposed of accordingly.

(ANOOP V. MOHTA, J.)

(F.I.REBELLO, J.)